

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Emergency)	Docket No. C-1519
Petition of MCI Telecommunications)	
Corporation and AT&T Communications)	ORDER NUNC PRO TUNC TO
of the Midwest Inc. to Investigate)	CORRECT APPENDIX A
Compliance of Nebraska LECs with)	
FCC Payphone Orders.)	Entered: January 27, 1998

BY THE COMMISSION:

The Commission enters this order nunc pro tunc to correct the order previously issued in C-1519 on January 12, 1998. In that order, the Commission found that GTE Midwest, Incorporated (GTE), and thirty-five local exchange carriers listed in Appendix A to that order, had fully complied with the FCC payphone orders and were dismissed from further action under this docket. However, after issuing its order, the Commission discovered a typographical error in Appendix A to that order.

The purpose of an order nunc pro tunc is to correct the record which has been made so that it will truly record the action taken which, through inadvertence or mistake, was not truly recorded. Interstate Printing Co. v. Dept. of Revenue, 236 Neb. 110, 459 N.W.2d 519 (1990). Clerical errors may be corrected by an order nunc pro tunc, but not judicial errors. Larson v. Bedke, 211 Neb. 247, 318 N.W.2d 253 (1982).

The order entered by the Commission on January 12, 1998, states that "those local exchange carriers listed in Appendix A, attached hereto and made a part of this order, have fully complied with the FCC orders cited above and, therefore, are excused from any further action or requirements under this Docket." However, Appendix A inadvertently states that those companies listed therein have only "partially" complied. The term "partially" was included inadvertently, is not consistent with the Commission's order, and should be deleted from the language of Appendix A.

After examining the record and being fully advised, the Commission finds that Appendix A to the January 12, 1998, order contains a typographical error that is inconsistent with the Opinion, Findings, and Order of the Commission. Therefore, the Commission should issue an order nunc pro tunc to correct the original order.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Appendix A to the Commission's January 12, 1998, order in Docket No. C-1519 be amended by this order nunc pro tunc showing the term "partially" as struck from that Appendix. The word "partially" should be and is hereby stricken.

MADE AND ENTERED in Lincoln, Nebraska, on this 27th day of January, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Anne C. Boyle

//s//Lowell C. Johnson
//s//Daniel G. Urwiller

Lowell C. Johnson
Chairman

ATTEST:

Robert H. Logsdon
Executive Director